

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 2121

Remarks

A Specification (showing added section headings underlined) is submitted herewith, that sets forth the headings as per US style and practice. The language of the specification has not been amended. Only category headings and paragraph numbers have been inserted.

The claims are amended to clarify the distinctions between the present invention and the cited prior art, without adding new matter.

A new Abstract of the Disclosure according to US style and Practice has been added to the end of the Substitute Specification. It merely words the original Abstract to meet US requirements. Please cancel the previous Abstract and insert the substitute Abstract of the Disclosure provided with this Substitute Specification.

Claim Rejections Under 35 USC 102

The Patent to Nevel et al. (Nevel)

Claims 18, 19, 22-26 and 28-34 are rejected as being anticipated by Nevel.

Valid rejection under 35 USC 102 requires that each feature of a rejected claim be disclosed in a single reference. "For anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." MPEP 706.02(a)

Nevel does not disclose each of the features recited in the rejected claims.

Nevel discloses a method for dynamically clearing yarns by identifying and cutting out damaged portions of lengths of the yarns (column 1, lines 12-15; column 5, lines 12-21; Figures 5 and 6; column 12, lines 22-39, i.e., claim 1; column 12, lines 40-61, i.e. claim 2).

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In contrast, the present invention discloses and claims an apparatus and method for optimizing the development of woven fabrics.

Claim 1, as now amended, distinguishes from Nevel by emphasizing the development of woven fabrics:

- an apparatus that optimizes the development of woven fabrics;
- a display device that displays the woven fabrics that are developed in the apparatus;
- a structure input device that inputs freely definable fabric structures for woven fabrics;
- a control and evaluation device that controls the measuring device and woven fabrics;
- wherein an actual fabric is computed and presented on the basis of the individual yarn diameters and the freely definable structures for the woven fabric;
- whereby a defined structure of the fabric is changeable to adapt and optimize the actual fabric to the measured individual yarn diameters.

A revised specification is submitted herewith, which conforms the specification to the format set forth in numbered paragraph 1 of the Office Action.

Claim Rejections Under 35 USC 103(a)

Claims 20, 21, and 27 are rejected as being unpatentable over Nevel in view of Massen.

As discussed above, Nevel's disclosure does not anticipate the present invention. Thus, Nevel in combination with Massen does not make the present invention unpatentable.

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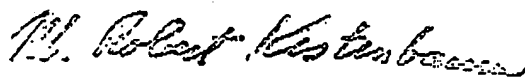
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Wherefore, further consideration and allowance of the claims, as amended, is respectfully requested.

This Further Amendment after Final Action is necessary to place the claims in condition for allowance or in better condition for appeal. Specifically, applicant has amended the claims in response to the questions raised by the Examiner in the Final Action and thereafter and to include the changes the Examiner suggested in the Final Action.

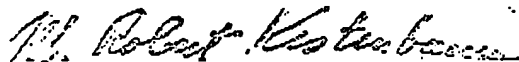
A five-month extension of time to submit the enclosed Request for Continued Examination is hereby respectfully petitioned for. PTO-2038 is enclosed authorizing charging a credit card for the prescribed Small Entity five-month extension fee of \$1005, as well as request for Continued Examination Transmittal authorizing charging the \$385 Small Entity RCE fee. (Total equal \$1390) Please charge any additional fees due by virtue of this filing to Deposit Account 11-0665. A duplication of this page is enclosed for this purpose.

Respectfully submitted,



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I hereby certify this correspondence is being submitted to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, Va. 22313-1450 by facsimile transmission on December 2, 2003, Fax Number (703) 308-7239.



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